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10/727,573	12/05/2003	Teiji Yamamoto	KOM-159/INO	7354

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 5, 6, 7, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire et al (U.S. Patent 6322173) in view of Maguire et al (U.S. Patent 6783196) and Bottom et al.

Maguire et al '173 discloses a track link assembly comprising internal and external links having a having a coupler pin, a fixed bushing, and a sealing ring. As shown in figure 11, the insert or fixed bushing 36 extends from the bushing hole in the internal link, the bushing hole in the internal link appears to have the same dimension as the hole in the external link, and the hole in the external link is not a coupler pin hole inasmuch as a collar 40 is fitted therein.

Maguire et al '196 teaches a track assembly in which the fixed bushing 34 may extend beyond the bushing hole in the internal portion of the link (figure 1) or the fixed bushing 34' may be modified to fit within the bushing hole as shown in figure 4 and described lines 57-66 of column 5.

Bottom et al teaches a track link assembly in which thickness of the inner and outer links 12, 14, respectively, may be varied as shown in figures 1-6 and 11. As shown in figure 4, the inner link 12 is thicker than the outer link 14 such that the bushing hole 94 has a greater thickness than the coupling pin hole in the outer link, and in this embodiment the outer link has a hole for the coupling pin instead of a hole which receives a collar or bushing.

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From the teachings of Maguire et al '196 and Bottom et al it would have been obvious for the fixed bushing 36 of Maguire et al '173 to fit entirely within the bushing hole of the internal link, and for the external link to have a coupling pin hole which is smaller in thickness than the bushing hole as these have been shown to be obvious and equivalent mechanical expedients and variations.

With respect to claim 8, note the bosses 302 of Maguire et al '173.

With respect to claim 9 note the concavities formed where the extension members 106, 108 meet the main body of the link as shown in figures 5 and 8.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire et al '173 as modified by Maguire et al '196 and Bottom et al as applied to claim 1 above, and further in view of Lawson.

For the outer surface of the internal link of Maguire et al to be provided with a raised portion around the bushing hole would have been obvious as taught by Lawson as shown in figure 2 as this would provide a better interfitting of the inner and outer links.

Response to Arguments

4. Applicants' arguments filed 12/13/06 have been fully considered but they are not persuasive.

Applicants' arguments concerning the "concavity" objections are persuasive and these objections have been withdrawn.

Applicants' arguments directed to the rejections under 35 U.S.C. 103 have been considered, but do not appear to explain how the amendment to claim 1 defines over the prior art of record.

Further, the arguments against the Maguire et al patents and the Bottom patent are not entirely understood.

That Bottom may not teach a shape of the link as stated on page 6 of the remarks does not appear to be relevant.

The arguments on pages 7 and 8 involve Maguire '173, Bottom, and JP06-504747 (which was not used in the rejection), as well as a marked-up copy of figure 2 of Maguire et al (submitted as Illustrative Drawing figure 1), and a marked-up copy of instant figure 3 (submitted as Illustrative Drawing figure 2).

It is not really clear why the combination of references as set forth in the rejection would have a problem of decreased rigidity as alleged on page 7, or why this combination would not have a suitable angle of flexion.

On page 8 Applicants seem to state that Maguire et al '173 and Bottom are not directed toward the problem solved by the claimed invention, but absent any structural differences between the combination of Maguire et al '173 as modified by Bottom and the claimed invention, or a clear reason why the combination is unobvious, it is hard to see how the finding of the problem would make any difference toward patentability.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/5/07


RUSSELL D. STORMER
PRIMARY EXAMINER 3/5/07